

Application No. 10/804,660
Response dated April 13, 2007
Office Action mail date: January 17, 2007

PATENT APPLICATION

REMARKS/ARGUMENTS

Claims 1-65 are pending in the subject application. The Examiner rejected claims 1-44 under 35 U.S.C. § 103(a) as unpatentable over Lev, made of record in a previous Office Action, in view of USP 6,831,449 (Nishida). The Examiner also has rejected claims 45-65 under 35 U.S.C. § 103(a) as unpatentable over Seong, also made of record in the previous Office Action, in view of Nishida. Applicants respectfully traverse these rejections, and request reconsideration and allowance of the claims in view of the following arguments.

Preliminarily, Applicants thank the Examiner for the courtesies extended during the telephone interview conducted on March 26, 2007. The discussion during the interview focused on the relevant teachings of Nishida, with the undersigned pointing out that, contrary to the Examiner's characterization of this reference (Office Action, pages 2 and 3) relative to the alleged use of operating between two modes within one operation cycle in Figs. 1-11, the undersigned could find no such teaching in the reference. The Examiner pointed to col. 10, lines 8-14, describing Fig. 8B which in turn shows discontinuous mode and continuous mode. The Examiner indicated his belief that this disclosure pointed to operation in two different modes within one cycle, and invited the undersigned to "prove" the contrary.

After the interview, Applicants reviewed Nishida again. Importantly, Nishida teaches a DC/DC converter. *See* Nishida Abstract; col. 3, lines 39-41; disclosure beginning at col. 7, line 60; and disclosure beginning at col. 8, line 49. DC/DC converters do not even have operational cycles, because they are operating solely in DC. Indeed, Nishida never refers to operational cycles, or even to a duty cycle in describing operation in discontinuous mode, critical mode, or

PATENT APPLICATION

Application No. 10/804,660
Response dated April 13, 2007
Office Action mail date: January 17, 2007

continuous mode. Instead, Nishida refers consistently to “operation duty”, which makes sense, because there are no duty cycles in Nishida’s DC/DC converter.

Therefore, in Nishida, whenever the change from discontinuous mode to critical mode to continuous mode in Fig. 8B occurs, it does not, and cannot occur in or across any kind of operational cycle, much less within a single operational cycle, because Nishida has no such cycle.

Because Nishida does not have operational cycles, it cannot possibly teach or suggest switching between two modes within a single operational cycle. Therefore, Nishida fails to remedy any of the deficiencies of Lev or Seong, deficiencies which the Examiner has acknowledged.

Pursuant to the foregoing discussion, Applicants submit that all of claims 1-65 in the subject application are patentable for at least the above reasons.

Request for Allowance

For the above reasons, Applicants respectfully submit that claims 1-65 in the subject application are patentable, and that the subject application is in condition for allowance. Applicants earnestly solicit a Notice of Allowance.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

PATENT APPLICATION

Application No. 10/804,660

Response dated April 13, 2007

Office Action mail date: January 17, 2007

The Office is hereby authorized to charge any fees, or credit any overpayments, to
Deposit Account No. **11-0600**.

Respectfully submitted,
KENYON & KENYON LLP

Dated: April 13, 2007

By: /Frank L. Bernstein/
Frank L. Bernstein
Reg. No. 31,484

Customer No. **44990**

KENYON & KENYON LLP
333 West San Carlos St., Suite 600
San Jose, CA 95110
Telephone: (408) 975-7500
Facsimile: (408) 975-7501